

sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SMAQMD Rule 450 and VCAPCD Rule 74.19 is entitled, "Control of Volatile Organic Emissions From Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography (EPA-450/2-78-033)". The CTG applicable to BAAQMD Rule 8-18 and VCAPCD Rule 74.7 is "Control of Volatile Organic Compound Leaks From Synthetic Organic Chemical and Polymer Manufacturing Equipment (EPA-450/3-83-006)". Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

Bay Area Air Quality Management District Rule 8-18, "Valves and Connectors at Petroleum Refinery Complexes, Chemical Plants, Bulk Plants, and Bulk Terminals" includes the following significant changes from the current SIP:

- The scope of the rule has been broadened to include chemical plants, bulk plants, and bulk terminals.
- Exemptions were deleted for low vapor pressure valves or flanges, inaccessible valves and flanges, and instrument valves.
- A section referencing test methods has been added.
- Many definitions have been added to clarify the rule.
- Standards for repairable valves, new or replaced valves, repeat leakers, and liquid leaks have been added.
- The administrative requirements section has been revised.

Sacramento Metropolitan Air Quality Management District Rule 450, "Graphic Arts Operations" includes the following significant changes from the current SIP:

- Defining VOCs.
- Adding a monitoring and records section.
- Reducing the source exemption limit from 15 tons per year to 3.96 tons per year.

• Expanding the types of regulated sources to include lithographic and letterpress operations.

- Adding cleanup regulations.
- Adding test methods.
- Replacing outdated compliance schedules with compliance schedules for newly regulated sources.

Ventura County Air Pollution Control District Rule 74.7 includes the following significant changes from the current SIP:

- Operating requirements have been broadened to include requirements for open-ended valves and safety relief valves in gas or vapor service.
- Inspection requirements have been revised to reflect the increased number and type of leak inspections.
- Exemptions were added for safety relief valves.

- Operator Management Plan guidelines were added.
- Recordkeeping and Reporting sections were added for compliance demonstration.

- Several new definitions were added to clarify the rule.

Ventura County Air Pollution Control District Rule 74.19 is a new rule which was adopted to control emissions of volatile organic compounds from graphic arts operations and related coating processes.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, BAAQMD's Rule 8-18, SMAQMD's Rule 450, and VCAPCD's Rules 74.19 and 74.7 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: December 2, 1993.

Felicia Marcus,

Regional Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 931226-3326; LD. 113093A]

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition to Emergency List North and South Umpqua River Sea-run Cutthroat Trout

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of finding.

SUMMARY: On August 19, 1993, NMFS received a petition from the Oregon Natural Resources Council and the Steamboaters, to emergency list North and South Umpqua River sea-run cutthroat trout (*Oncorhynchus clarki clarki*) and to designate critical habitat under the Endangered Species Act of 1973 (ESA). In accordance with section 4 of the ESA, NMFS has determined that an emergency that poses a significant risk to the well-being of the species does not exist.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 230-5430 or Marta Nammack, NMFS, Office of Protected Resources, (301) 713-2322.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 1993, the Secretary of Commerce received a petition from the Oregon Natural Resources Council; Umpqua Valley Audubon Society; and The Wilderness Society to list North and South Umpqua River sea-run cutthroat trout, and to designate critical habitat under the ESA. On July 19, 1993,

NMFS published (58 FR 38554) its intent to conduct a status review on North and South Umpqua River sea-run cutthroat trout. Information and comments received in response to the July 19, 1993, Federal Register notice are being considered as NMFS conducts the status review. NMFS intends to announce its determination on the North and South Umpqua River sea-run cutthroat trout petition prior to April 1, 1994.

Petition Received

The August 19, 1993 petition to emergency list North and South Umpqua River sea-run cutthroat trout sets forth in detail the petitioner's concern over ongoing and proposed timber harvest activities in the Tiller and North Umpqua Ranger Districts of the Umpqua National Forest and adverse impacts to sea-run cutthroat habitat. For the North Umpqua Ranger District, the "Citrus" timber sale was identified as one causing serious concern. For the Tiller Ranger District, the "Hamlin" and "Beaver Thin" timber sales were identified. In response to the petitioner's concerns, NMFS personnel initiated discussions with the U.S. Forest Service to determine the current status of these sales. The Citrus sale is now being harvested and the harvest is

nearly complete. The Hamlin sale was withdrawn for the protection of the threatened northern spotted owl. The Beaver Thin sale has been awarded but the Forest Service has stated that the harvest will not go forward until a field study has been completed to assess its impacts and until recommended adjustments, if any, have been made. The field study is expected to be completed in early December.

Based upon the above considerations, NMFS does not find that an emergency situation exists. An emergency listing at this time is therefore not warranted.

Ongoing Status Review and Other NMFS Activities

Although NMFS has decided that an emergency listing is not warranted, it shares the petitioner's concern about actions which may lead to the decline of North and South Umpqua River sea-run cutthroat trout populations and will continue to work diligently before April 1, 1994.

Dated: December 9, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources,
National Marine Fisheries Service.

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